
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Beth O'Quin.

SB 394 Original DIGEST Bernard
2022 Regular Session

Proposed law prohibits a health benefit plan delivered or issued for delivery in this state to limit or exclude coverage for a drug approved by the United States Food and Drug Administration (FDA) based on the drug if prescribed for a use different from what the drug was approved for and all of the following applies:

- (1) The drug is approved by the FDA.
- (2) The drug is prescribed by a contracting licensed health care professional and it is medically necessary for the treatment of one of the following:
 - (a) A life-threatening disease or condition.
 - (b) A chronic or seriously debilitating disease or condition, the drug is medically necessary to treat that disease or condition.
 - (c) To treat a disease or condition in a child and the drug is approved by the FDA for a similar condition or disease in an adult and the drug is medically necessary to treat that disease or condition.
- (3) The drug is recognized for treatment of that disease or condition or pediatric application by one of the following:
 - (a) The American Medical Association Drug Evaluations.
 - (b) The American Hospital Formulary Service Drug Information.
 - (c) The United States Pharmacopoeia Dispensing Information, Volume 1, "Drug Information for the Health Care Professional".
 - (d) Two articles from major peer reviewed medical journals presented data supporting the proposed off-label use or uses as generally safe and effective unless there is clear and convincing contradictory evidence presented in a major peer reviewed journal.
- (4) The drug is on the insurer's formulary or preferred drug list, if any.

Proposed law requires the prescriber is responsible for submitting documentation to support compliance with the proposed law if requested by the health insurance insurer.

Proposed law provides the health coverage plan is not required to provide coverage for all of the following:

- (1) A treatment for a condition or disease that is excluded under the terms of the health coverage plan.
- (2) Experimental drugs not approved by the FDA.
- (3) A drug not listed on the health coverage plan formulary or preferred drug list, if any.

Proposed law provides coverage can be subject to annual deductibles, coinsurance, and copayment provisions established under the health coverage plan and coverage can be subject to prior authorization.

Proposed law defines "health coverage plan", "chronic and seriously debilitating", and "life-threatening".

Effective August 1, 2022.

(Adds R.S. 22:1060.8)